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December 2, 2011

The Honorable Dora L. Irizarry
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Favors v. Cuomo, CV11-5632 (D.L.I.)

Dear Judge Irizarry:

I am counsel for the plaintiffs in the above-referenced action. I write to request that the Court convene a three-judge Court to adjudicate this matter pursuant to 28 U.S.C. § 2284 and 42 U.S.C. § 1973c.

This action was commenced on November 17, 2011. The complaint includes causes of action challenging the apportionment of New York's congressional and state legislative districts and alleging violation of Section 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973, *et seq.* Pursuant to 28 U.S.C. § 2284(a), a three-judge Court shall be convened "when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body." Likewise, 42 U.S.C. § 1973c requires that "[a]ny action under this section shall be heard and determined by a court of three judges in accordance with the provisions of [28 U.S.C. § 2284]."

This action challenges the constitutionality of the current apportionment of New York's congressional and state legislative districts. Specifically, Plaintiffs allege that New York's current legislative districts, which were last drawn in 2002, lack population equality, in violation of the "one person, one vote" principle grounded in the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, and that New York's current districts for the United States House of Representatives are too numerous by two seats, in violation of Article I Section 2 of the United States Constitution. Plaintiffs also allege that Defendants' failure to comply with New York's "prisoner reallocation law" constitutes a violation of Section 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973, *et seq.*

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Accordingly, Plaintiffs respectfully request that the Court, pursuant to 28 U.S.C. § 2284(b)(1), notify the Chief Judge of the Second Circuit Court of Appeals that a three-judge Court should be designated to hear the above-referenced case.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Richard Mancino", with a stylized, flowing script.

Richard Mancino

cc: All Defendants (via U.S. mail)